

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice and Leisa V. Biggers, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F051860 People v. Gann

Order to show Cause as to Jeannie Burton, Official Court Report of the Superior Court, County of Tulare, with subject of the Order to Show Cause present.

Subject having waived a formal contempt proceeding, IT IS ORDERED monetary sanctions in the amount of \$100.00 are imposed and due January 31, 2007 at 5:00 p.m.

The record on appeal having been filed in the above-entitled case and monetary sanctions having been paid, IT IS FURTHER ORDERED the order to show cause be and is hereby discharged.

The court adjourns.

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F048471 People v. Andrade

The indeterminate 25 years to life term imposed in count 1 is ordered stayed pursuant to Penal Code section 654; the one year prior prison term imposed and stayed pursuant to Penal Code section 654 is ordered stricken; as so modified and in all other respects the judgment of conviction and sentence is affirmed. Appellant's total unstayed prison sentence is thus 31 years to life. The trial court is directed to prepare and distribute as appropriate an amended abstract of judgment reflecting the specified modifications of judgment. Harris, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049556 Lopez v. Calderon et al.

The judgment is affirmed. Harris, Acting P.J.

We concur: Dawson, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049693 People v. Lozano

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049500 People v. Martinez

The commitment order entered December 12, 2005, is affirmed. Vartabedian, Acting P.J.

We concur: Cornell, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051599 In re O. F., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F051599 In re O. F., a Minor**
The appeal is dismissed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F049235 People v. Medina**
The judgment is affirmed. Cornell, J.
We concur: Vartabedian, Acting P.J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048939 People v. Wilson**
The appeal is dismissed as moot. Vartabedian, Acting P.J.
We concur: Cornell, J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F049816 People v. Wilson**
The order for commitment dated February 16, 2006, is affirmed.
Vartabedian, Acting P.J.
We concur: Cornell, J.; Dawson, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F049526 D. H. Williams Construction, Inc. v. Clovis Unified School District et al.**
F049632
Appellant's petition for rehearing filed herein is denied.
- F048401 People v. Phillips**
The judgment is affirmed. Ardaiz, P.J.
We concur: Vartabedian, J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F049805 People v. Saldivar, Jr.**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F049805 **People v. Saldivar, Jr.**

The receiving stolen property conviction (count II) is reversed.
The judgment is affirmed in all other respects. The matter is remanded
for the limited purpose of correcting the abstract of judgment

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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Order Regarding Cunningham Briefing

If the appellant has raised an issue challenging the imposition of the upper term, in reliance on *Blakely v. Washington* (2004) 542 U.S. 296 [159 L. Ed. 2d 403, 124 S. Ct. 2531] or *Apprendi v. New Jersey*, 530 U.S. 466 (2000), it shall be deemed that the appellant is also relying on *Cunningham v. California* (No. 05-6551, Jan. 22, 2007) ____ U.S. ____ [2007 U.S. LEXIS 1324].

If the court deems supplemental briefing necessary to address related issues such as forfeiture, waiver, prejudice, etc. it will request a letter brief from counsel. Any request to file supplemental briefing will be considered on a case-by-case basis.

JAMES A. ARDAIZ, PJ

F051657 Deborah D. v. Sup. Ct. Tulare; Tulare Co. Health & Human Services

The petition for extraordinary writ is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051598 Benito N., v. Kern Co. Dept. of Human Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049752 In re Joseph R., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F049752 In re Joseph R., a Minor

The ex parte application to expand appellate counsel's appointment is denied. The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]